

REMARKS

Applicants hereby respond to the Office Action mailed October 6, 2003. Claims 1-18 are pending in the application and claims 1-7 have been allowed. The Examiner also indicated that claim 12 was drawn to allowable subject matter and would be allowed if rewritten to incorporate the limitations of the base claim (8) and all intervening claims (10 and 11).

Foreign Priority

In response to paragraph 2 of the Office Action, Applicants respectfully submit that the Examiner is mistaken. According to 37 C.F.R. § 1.55 (a)(1), Applicants need only identify a claim of priority to a foreign application by "specifying the application number, country (or intellectual property authority), day, month, and year of its filing." Such claim need only be "presented during the pendency of the application," and such claim may be in the transmittal accompanying the application as filed. Applicants respectfully submit that by including a claim for priority to this German application on page 2 of the transmittal letter that was filed along with the application on November 21, 2001, and identifying the foreign application by number (101 13 577.7), country (Germany), and date of filing (March 20, 2001) as noted in the filing receipt mailed December 1, 2001, they have complied with the requirements of 37 C.F.R. § 1.55. Applicants know of no requirement that Applicants amend the first sentence of the application to include the claim for foreign priority in order to be accorded the benefit of the priority claim and therefore have not done so.

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Amendments to the Drawings

Applicants amend Figures 2-4 and 6 as required by the Examiner. For example, the Examiner required that items 900, 901, and 902 in Figure 2 be labeled as Database System, 1st Application System, 2nd Application System, respectively. Applicants have done so.

In addition, all blocks in Figures 3, 4, and 6 have been labeled for ready identification as requested by the Examiner. Specifically, in Figure 3, Applicants added label "Application Users" for Oval 801 and Oval 802, "1st Application System" for Block 901, "2nd Application System" for Block 902, "Database System" for Block 900, "1st Memory Portion" for Block 920-1, "2nd Memory Portion" for Block 920-2, "1st Profile" for Block 110, and "2nd Profile" for Block 111.

In Figure 4, Applicants added label "1st Memory Portion" for Block 920-1, "2nd Memory Portion" for Block 920-2, "1st Profile" for Block 110, "2nd Profile" for Block 111, "Database Table" for Blocks 190, 191, 192, and 193.

In Figure 6, Applicants added label "Database System" for Block 900, "Memory" for Block 920, "1st Application System" for Block 901, "Memory" for Block 921, "2nd Application System" for Block 902, "Memory" for Block 922, and moved the location of lead lines and reference numerals to make clear the addition of label "Assignment Matrix" for Blocks 180, 181, and 182.

Applicants respectfully submit that the amended drawings overcome the Examiner's objection.

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Claims

The Examiner rejected claims 14 and 15 under 35 U.S.C. § 101 and claims 8-11, 13-18 under 35 U.S.C. § 102(e). Applicants have amended each claim by removing the numerals in parentheses and to correct minor formatting informalities.

Rejection under 35 U.S.C. § 101

Claims 14 and 15 have been amended to recite an assignment method. Applicants respectfully submit these amendments overcome this rejection.

Rejection under 35 U.S.C. § 102(e)

The Examiner rejected claims 8-11 and 13-18 as being anticipated by U.S. Patent 6,502,108 to Day III et al. ("Day"). Applicants respectfully traverse the rejection with the following arguments.

In rejecting claim 8, the Examiner states that a subset of the elements of claim 8 are taught by Day, but fails to indicate how Day teaches each and every element of claim 8, as is required. For example, the Examiner states that Day teaches that the first and second application systems read on the "primary system and the backup system of Day (see column 6, lines 11-28)." However, the primary and backup systems referred to in Day are "primary and backup controllers 106-107," which manage local storage operations conducted on their own respective storage areas. (Col. 4, lines 40-45, Fig. 1). The Examiner fails to show, *inter alia*, where Day teaches "dividing a memory of the data base system into at least a first memory portion and a second memory portion, both portions being disjunctive," as required by claim 8. The Examiner also fails to show how Day teaches "assigning first and second memory portions to first and second applications systems," as is also recited by claim 8.

In summary, Applicants submit that the Examiner has failed to establish that Day teaches each and every element of claim 8. To the extent the Examiner has identified any components of Day that seem similar to those in claim 8, the Examiner has failed to show that the components operate in the manner recited in claim 8. "The identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). 'The elements must be arranged as required by the claim . . .' *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)." MPEP § 2131. Because Day does not teach or disclose each and every element of claim 8, Applicants submit that claim 8 is patentable over Day.

Claims 9-13, which directly or indirectly depend from claim 8, are allowable for at least the same reasons as claim 8.

In rejecting claims 14 and 16-18, the Examiner refers the reader to the rejection of claim 8, without additional comment. For the reasons mentioned above, Applicants submit that claim 8 is patentable over Day. Applicants therefore submit that claims 14 and 16-18 are allowable for at least the same reasons as claim 8.

Claim 15, which depends from claim 14, is allowable for at least the same reason as claim 14.

As mentioned above, the Examiner noted that claim 12 was allowable if rewritten to include the limitations of rejected base claim 8 and intervening claims 10 and 11.

With the arguments set forth above, Applicants have traversed the rejection of claim 8 and submit that claim 8 is patentable as presented. Applicants therefore submit that claim 12 is also patentable as presented.

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In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

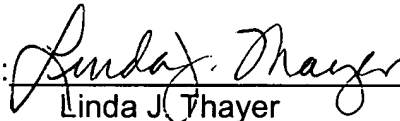
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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